

T.M37



**Memo Date:** May 1 2007  
**Hearing Date:** May 8, 2007

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**TO:** Board of County Commissioners

**DEPARTMENT:** Public Works Dept./Land Management Division

**PRESENTED BY:** BILL VANVACTOR, COUNTY ADMINISTRATOR  
KENT HOWE, PLANNING DIRECTOR

**AGENDA ITEM TITLE:** Hearings on forty Ballot Measure 37 Claims. See the attached reports for the individual title of each Ballot Measure 37 claim to be heard.

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### **PUBLIC HEARINGS/ MEASURE 37 CLAIMS**

All claims set for hearing and consideration by the Board are listed in Table 1 and will be reviewed together in a single, day-long proceeding. The hearings will allow anyone the opportunity to speak to any claim during public testimony and/or submit written testimony. Anyone who submits testimony will be sent notice of subsequent land use applications that rely on the Ballot Measure 37 claim. The Board may elect to adopt all or a subset of the provided draft orders in one motion. Any of the claims with issues can be removed and discussed by the Board in separate actions.

### **Hearing Process**

The order of testimony for each claim listed in Table 1 will be as follows:

1. Applicant.
2. Others.
3. Rebuttal by applicant.
4. Questions from the Board, if necessary.

After closing or continuing the hearings on all the listed claims, the Board may:

1. Identify claims for further discussion.
2. Act on those not requiring more discussion (by number from Table 1).

### **Possible Motions following the Hearings**

1. Motion for Board to adopt the proposed orders for the claims that appear valid.
2. Motion for Board on individual orders or claims pulled for discussion.
3. Motion that remaining claims have inadequate information to determine their validity and direct the County Administrator to issue letters of denial.

## **ANALYSIS AND RECOMMENDATIONS**

There are 40 claims scheduled for a hearing on May 8<sup>th</sup>. Twelve of these claims were continued from April 3 to allow the claimants to submit additional material. Those claims are identified in the table and everyone had until April 24 to submit additional material. Any material submitted after the date of this memo, will need to be presented at the hearing.

There are 17 claims recommended for denial. Three of those claims were withdrawn by the claimant, Lone Rock Timberland Co. and Richard Sohn. Of the remaining claims, 4 do not appear valid because there does not appear to be any reduction in the fair market value from enforcement of a restrictive land use regulation. The remaining 10 claims are incomplete because they have not supplied the information necessary to make a finding that they are a valid claim. See Table 1 for general status and recommendation of individual claims. Refer to the staff reports for specific details. If the Board concurs with the proposed recommendations, the County Administrator will issue a decision to that effect for each claim. The remaining claims appear valid as described in the attached reports and the County Administrator recommends the Board adopt the proposed orders for those claims.

## **ATTACHMENTS**

- A. Table 1: Summary of Claims and Recommendations
- B. Table 2: Hearing Notes
- C. Reports and Orders where provided
- D. Supplemental Information

**Attachment "A"**

**Table 1: Summary of Claims and Recommendations**

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
1.	Betz	06-7229	17-02-04 #708	32	1-Dec-06	30-May-07	Valid		Adopt Order
2.	Bixler (Cont. 4/3)	05-6425	16-03-30, tax lot 802	50	28-Sep-05	27-Mar-06	Incomplete	Ownership/Valuation	Deny
3.	Bowers4	06-7241	18-05-13 #200	68	1-Dec-06	30-May-07	Incomplete	Valuation	Deny
4.	Carpenter (Cont. 4/3)	06-7102	21-03-05 #2100; 21-03-04 #2200;	58	28-Nov-06	27-May-07	Incomplete	Ownership/Valuation	Deny
5.	Day1	06-7243	20-03-11 #120	19	1-Dec-06	30-May-07	Valid		Adopt Order
6.	Defoe1 (Cont. 4/3)	06-7117	15-04-18 #2000	46	29-Nov-06	28-May-07	Valid		Adopt Order
7.	Defoe2 (Cont. 4/3)	06-7126	16-04-07 #100; 16-04-08-20 #300	61	29-Nov-06	28-May-07	Not Valid	No Reduction	Deny
8.	Derby	06-7234	17-04-19 #2400	9	1-Dec-06	30-May-07	Valid		Adopt Order
9.	Edgemon (Cont. 4/3)	06-7125	17-02-04 #1000	28	29-Nov-06	28-May-07	Incomplete	Valuation	Deny
10.	Eymann	05-6785	16-02-24 #1209; 16-02-23 #1301	227	14-Dec-05	12-Jun-06	Incomplete	Ownership/Valuation	Deny
11.	Furrer	06-7222	19-03-21 #1003	32	1-Dec-06	30-May-07	Valid		Adopt Order
12.	Hamsberger	06-7220	19-03-35 #1201	52	1-Dec-06	30-May-07	Valid		Adopt Order
13.	Inman	06-7346	17-05-08 #100, 300, 400	221	4-Dec-06	2-Jun-07	Incomplete	Ownership	Deny
14.	Keinlen	06-7240	18-02-14 #1303	20	1-Dec-06	30-May-07	Valid		Adopt Order
15.	Kester	06-7224	20-04-05 #300, 301, 302; 20-05-01 #200;	1,248	1-Dec-06	30-May-07	Not Valid	Ownership	Deny
16.	Lamb1 (Cont. 4/3)	06-7106	18-06-01 #2100	60	28-Nov-06	27-May-07	Incomplete	Valuation	Deny

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
17.	Langan	06-7239	19-01-03 #408	4	1-Dec-06	30-May-07	Valid		Adopt Order
18.	Lassiter (Cont. 4/3)	06-7328	21-03-04 #2300 and 2301	28	4-Dec-06	2-Jun-07	Valid		Adopt Order
19.	Lone Rock1	06-5549	17-02-23 #200; 17-02-13 #300;	759	6-Apr-06	3-Oct-06	Withdrawn		
20.	Lone Rock2 (Cont. 4/3)	06-7115	17-06-16 #900 and 1000; 17-06-21 #300	160	29-Nov-06	28-May-07	Withdrawn		
21.	Lone Rock3 (Cont. 4/3)	06-7116	20-03-24 #100	324	29-Nov-06	28-May-07	Withdrawn		
22.	Mitchell1	06-7223	20-05-24 #700, 701	196	1-Dec-06	30-May-07	Valid		Adopt Order
23.	Mitchell2	06-7227	20-04-31 #500	99	1-Dec-06	30-May-07	Valid		Adopt Order
24.	Nielsen2	06-7347	16-04-08-20 #202	13	4-Dec-06	2-Jun-07	Incomplete	Valuation	Deny
25.	Novick	06-7238	18-03-30 #1201; 18-04-25 #300	264	1-Dec-06	30-May-07	Valid, in Part		Adopt Order
26.	Pitney	06-7218	16-04-07 #1100	127	1-Dec-06	30-May-07	Valid		Adopt Order
27.	Powell1	06-7231	16-02-33 #103	19	1-Dec-06	30-May-07	Not Valid	No Reduction	Deny
28.	Pupke	06-7230	21-03-09 #2007; 21-03-16 #625	30	1-Dec-06	30-May-07	Valid		Adopt Order
29.	Rankin (Cont. 4/3)	06-7121	19-03-21 #202	50	29-Nov-06	28-May-07	Valid		Adopt Order
30.	Reich	06-7225	18-04-15 #702	16	1-Dec-06	30-May-07	Valid		Adopt Order
31.	Ridgley (Cont. 4/3)	06-7124	18-05-06-40 #200, 202; 18-05-06-10 #2202, 2700	21	29-Nov-06	28-May-07	Incomplete	Valuation	Deny
32.	Saunders	06-7237	18-02-07 #400, 700; 18-02-18 #301	37	1-Dec-06	30-May-07	Valid		Adopt Order
33.	Schrenk	06-7226	19-02-06 #100, 201; 18-02-31 #303	311	1-Dec-06	30-May-07	Valid		Adopt Order

	Name	PA#	Tax parcels	Acres	Submitted	180 days	Status	Issues/Notes	Recommendation
34.	Sea Lion Caves	06-7221	17-12-03 #200, 300, 400, 500, 600	120	1-Dec-06	30-May-07	Valid		Adopt Order
35.	Spies	06-7228	20-03-04 #101 and 102	74	1-Dec-06	30-May-07	Valid		Adopt Order
36.	Sunset	06-7219	18-02-31 #205, 206	207	1-Dec-06	30-May-07	Not Valid	No Reduction	Deny
37.	Troutman2	06-7242	17-02-04 #703	27	1-Dec-06	30-May-07	Incomplete	Valuation	Deny
38.	Volesky	06-7236	21-04-12 #1300	40	1-Dec-06	30-May-07	Valid		Adopt Order
39.	Willie (Cont. 4/3)	06-7101	19-03-26 #6100	69	29-Nov-06	28-May-07	Valid		Adopt Order
40.	Woodrich	06-7345	17-06-14 #1000	68	4-Dec-06	2-Jun-07	Valid		Adopt Order

**ATTACHMENT "B"**  
**Table 2: Hearing Notes**

	Name	PA#	Recommendation	NOTES
1.	Betz	06-7229	Adopt Order	
2.	Bixler (Cont. 4/3)	05-6425	Deny	
3.	Bowers4	06-7241	Deny	
4.	Carpenter (Cont. 4/3)	06-7102	Deny	
5.	Day1	06-7243	Adopt Order	
6.	Defoe1 (Cont. 4/3)	06-7117	Adopt Order	
7.	Defoe2 (Cont. 4/3)	06-7126	Deny	
8.	Derby	06-7234	Adopt Order	
9.	Edgemon (Cont. 4/3)	06-7125	Deny	
10.	Eymann	05-6785	Deny	
11.	Furrer	06-7222	Adopt Order	
12.	Harnsberger	06-7220	Adopt Order	
13.	Inman	06-7346	Deny	
14.	Keinlen	06-7240	Adopt Order	
15.	Kester	06-7224	Deny	
16.	Lamb1 (Cont. 4/3)	06-7106	Deny	

	Name	PA#	Recommendation	NOTES
17.	Langan	06-7239	Adopt Order	
18.	Lassiter (Cont. 4/3)	06-7328	Adopt Order	
19.	Lone Rock1	06-5549	Withdrawn	
20.	Lone Rock2 (Cont. 4/3)	06-7115	Withdrawn	
21.	Lone Rock3 (Cont. 4/3)	06-7116	Withdrawn	
22.	Mitchell1	06-7223	Adopt Order	
23.	Mitchell2	06-7227	Adopt Order	
24.	Nielsen2	06-7347	Deny	
25.	Novick	06-7238	Adopt Order	
26.	Pitney	06-7218	Adopt Order	
27.	Powell1	06-7231	Deny	
28.	Pupke	06-7230	Adopt Order	
29.	Rankin (Cont. 4/3)	06-7121	Adopt Order	
30.	Reich	06-7225	Adopt Order	
31.	Ridgley (Cont. 4/3)	06-7124	Deny	
32.	Saunders	06-7237	Adopt Order	
33.	Schrenk	06-7226	Adopt Order	

	Name	PA#	Recommendation	NOTES
34.	Sea Lion Caves	06-7221	Adopt Order	
35.	Spies	06-7228	Adopt Order	
36.	Sunset	06-7219	Deny	
37.	Troutman2	06-7242	Deny	
38.	Volesky	06-7236	Adopt Order	
39.	Willie (Cont. 4/3)	06-7101	Adopt Order	
40.	Woodrich	06-7345	Adopt Order	